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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,446	11/20/2001	Stephen Edward Ecob	169.2224	8539
5514	7590	12/30/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRUONG, LECHI	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2194	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,446	ECOB ET AL.	
	Examiner	Art Unit	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-12,14,16-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-12,14,16-22 and 24-33 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3, 6-12, 14, 16, 17-22, and 24-33 are presented for the examination. Claims 2, 4, 5, 13, 15, 23 are canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6-12, 14, 17-22, 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randisky et al (US. Patent 5,668,996) in view of Mastie et al (US. Patent 6,515,756 B1) and further in view of Admitted Prior Art (APA).
4. As to claims 1, Randisky teaches the invention substantially as claimed including: an output device in a information processing (An amplifier 47 and speaker 48 are associated with the sound board, col 5, ln 2-5/ Fig. 2), application (application 50, col 5, ln 40-45), device model independent device driver (A proxy device driver 52, col 5, ln 40-44), loading an application (col 6, ln 50-60), determining a model of a device to which said application is intending (col 8, ln 1-7), application is intended to issue output commands (col 2, ln 20-25/ col 3, ln 2-7), a device model dependent configuration in the memory device(the audio content from its associated CD, col 5, ln 55-60/ the WAVE file, col 6, ln 2-7/the timing information of original audio content/ a

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filename relative to mass storage device, col 6, ln 8-27/ col 8, ln 17-27), a device driver for said out put device (the compound device driver, col 6, ln 8-14), a second part of data (timing information specified by the application , col 4, ln 8-16/col 8, ln 18-27), generating said device driver for said out put device by configuring said device model independent driver with said device mode dependent configuration data(col 6, ln 1-7 and ln 9- 13).

5. Randisky does not explicitly teach determining whether a device model dependent configuration data in a memory device matches said mode, upon determining that said configuration data matches said model, reading said configuration data. However, Mastie teaches determining whether a device model dependent configuration data in a memory device matches said mode, upon determining that said configuration data matches said model, reading said configuration data (examining configuration files in the network. The printer manager 6 would then invoke the selected printer daemon (PD) and transmit the determined print attribute values to the invoked printer daemon, col 6, ln 1-5/ a configuration file may define print attribute values for specific printers, print job, printer controller, and printer demon types, col 5, ln 47-52/ the printer manager 6 would look in directories associated with the postscript daemon to locate print attribute value, col 8, ln 20-27/ determine the printer value attributes to use for the printer daemon that is selected for the input data file/ determining whether there are print attribute for the print job, col 8, ln 63-67/ col 9, ln 5-10).

6. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randisky and Mastie because Mastie's determining whether a device model dependent configuration data in a memory device matches said mode, upon determining that said configuration data matches said model, reading said configuration

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data would improve the efficiency of Randisky's system by allowing the print attribute values to be applied to transform processes executing in multiple controllers in a network printing system.

Randisky and Mastie does not explicitly teach an application from a read-only memory.

However, APA teaches an application from a read-only memory (the game application are monolithic in that all code and data is stored together in unchangeable media such as mask ROM modules, page 3, ln 14-20).

17. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randisky, Mastie and APA because APA's configuration file would improve the efficiency of Randisky and Mastie's systems by providing forward compatibility with updated printer hardware without the replacement of driver itself.

18. As to claim 3, Randisky teaches color conversion data to convert RGB color-space to a native color-space of said device (col 6, ln 23-27).

19. As to claim 6, APA teaches application in said memory is an unchangeable application (page 3, ln 15-19).

20. As to claims 7, 8, APA teaches a game console (page 3, ln 15-16).

9. As to claim 9, Randisky teaches copying said first part of data into a memory cart connected (col 6, ln 35-38).

21. As to claim 10, APA teaches first part of data is obtained from a disc for a printer (page 2, ln 12-16).

10. As to claim 11, Randisky teaches data is obtained from a server over a network (col 4, ln 14-19/col 7, ln 50-53).

22. As to claim 12, APA teaches a memory in a printer (page 2, ln 8-16).

11. As to claim 14, Randisky teaches determined through reading an identification string from said device (col 6, ln 15-19).

12. As to claim 17, Mastie teaches determining whether device model dependent configuration in a memory device matches said mode, upon determining that said third part of data in said memory device matches said model of said out put device, loading said further configuration data (examining configuration files in the network. The printer manager 6 would then invoke the selected printer daemon (PD) and transmit the determined print attribute values to the invoked printer daemon, col 6, ln 1-5/ a configuration file may define print attribute values for specific printers, print job, printer controller, and printer demon types, col 5, ln 47-52/ the printer manager 6 would look in directories associated with the postscript daemon to locate print attribute value, col 8, ln 20-27/ determine the printer value attributes to use for the printer daemon that is selected for the input data file/ determining whether there are print attribute for the print job, col 8, ln 63-67/ col 9, ln 5-10).

23. As to claim 18, APA teaches a game (page 3, ln 15-19).

24. As to claim 19, APA teaches a USB connection (page 4, ln 9-11).

25. As to claim 20, APA teaches printer operation (col 2, ln 8-12).

13. As to claims 21, 22, they are apparatus claims of claim 1; therefore, they are rejected for the same reason as claim 1 above.

30. As to claims 24, 25, they are apparatus claims of claims 1, 8; therefore, they are rejected for the same reasons as claims 1 and 8 above.

31. As to claim 26, Randisky teaches determined through reading an identification string from said device (col 6, ln 15-19).

32. As to claim 27, Randisky teaches copying said first part of data into a memory cart connected (col 6, ln 35-38).

33. As to claims 28, 29, 30, 31, 32, 33, they are apparatus claims of claims 24, 19, 25-27; therefore, they are rejected for the same reasons as claims 24, 19, 25-27 above.

Allowable Subject Matter

34. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


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LeChi Truong

December 14, 2005



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SUPERVISORY PATENT EXAMINER